

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q62416

Jocelyn RICARD, et al.

Appln. No.: 09/754,212

Group Art Unit: 2681

Confirmation No.: 3349

Examiner: PEREZ, Julio R.

Filed: January 05, 2001

For: A MULTI-STANDARD MOBILE TELECOMMUNICATIONS TERMINAL FOR USE
BOTH IN A PUBLIC FIRST NETWORK AND IN A PREFERRED LOCAL SECOND
NETWORK

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37 and in response to the
Notification of Non-Compliant Appeal Brief mailed May 23, 2006, Applicant respectfully
submits the following:

Applicant respectfully amends the brief to include a sub-heading for each rejection. In
each rejection, the rejected claims are grouped and argued together. Accordingly, Applicant
respectfully submits that the Amended Appeal Brief complies with the rules and therefore
requests an Examiner's Answer.

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
U.S. Application No. 09/754,212
Attorney Docket No.: Q62416

Although Applicant believes that no fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

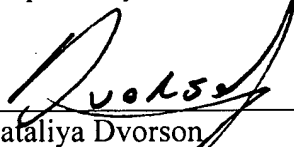
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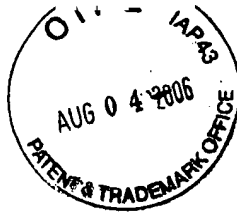
Respectfully submitted,



Nataliya Dvorson
Registration No. 56,616

Date: August 4 2006

Attorney Docket No.: Q62416



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AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is Alcatel, the assignee of the present application. The Assignment is recorded in the U.S. Patent and Trademark at Reel 011569, Frame 0916.

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II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences, or judicial proceedings known to Appellant, Appellant's representatives or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in this appeal.

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III. STATUS OF CLAIMS

Claims 1-10 are pending (*see* Claims Appendix). These claims stand rejected and are the basis for this appeal.

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IV. STATUS OF AMENDMENTS

No amendment to the claims has been filed after the final rejection of the claims in the
May 27, 2005 Office Action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 recites an exemplary embodiment of the invention as a multi-standard mobile telecommunications terminal 1 adapted to operate with base stations of a public cellular network 2 and at least one fixed part of at least one preferred cordless telephone local network 4A, 4B, 4C (see Figure 1, and specification at page 4, lines 29-37).

The terminal 1 includes communication means for communicating with each of said networks. The communication means are structurally embodied as item 10 in Figure 2 such as a radio part (see specification at page 6, lines 5-7). Further, the terminal 1 includes switching means 12 (shown in Figure 2) including means 14 for searching for a fixed part of a local network (such means as a radio part) and commanding the communication means to operate with one or the other of said networks according to the result of the network search conducted by the search means (see specification at page 6, lines 19-21).

The terminal also includes means 16 (shown in Figure 2, such as a computer) for programming and processing events triggering a search for the fixed part or parts of the local networks in which the terminal can operate, said programming and processing means activating the search means on the occurrence of programmed triggering events (see specification at page 6, lines 29-35).

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-3, and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Byrne (EP 660626A2).

B. Claim 4, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne in view of Van Der Salm (U.S. Patent No. 6,343,220) further in view of Dalsgaard et al.

VII. ARGUMENT

A. Byrne et al. Does Not Disclose or Suggest Activating the Search Means on the Occurrence of a Programmed Triggering Events

Regarding the rejection of claims 1 and 2, Appellants respectfully submit that one of the inventive features of the present invention as recited in the claims is “means for programming and processing events triggering a search for the fixed part or parts of the local networks ... said programming and processing means activating the search means on the occurrence of programmed triggering events.” The Examiner states that this feature is disclosed in Byrne at col. 3, lines 19-53; and col. 4, lines 33-49.

Appellants note that while a predetermined criterion for selecting a radio system is disclosed in Byrne, this is quite different than what is claimed. That is, in the present invention, in order to save on battery energy, a search for a fixed part or parts of the local networks is not initiated until the programmed triggering event occurs. As recited, “activating the search means on the occurrence of the programmed triggering events.”

On the other hand, in the Byrne device, the available radio systems are constantly monitored, or at least intermittently monitored (see col. 5, lines 8 and 9). In this context, and according to the teaching of Byrne, the cited predetermined criterion by the Examiner is used to select among the radio systems already detected (see col. 3, lines 42-51; col. 4, lines 46-57). Byrne does not disclose initiating a search based on a programmed triggering event.

The Examiner states with regards to the aforementioned argument that the features upon which Appellants rely (i.e., in order to save on battery energy) are not recited in the rejected claims. Appellants again note that the feature not disclosed by Byrne is “activating the search means on the occurrence of the *programmed* triggering events”. The reference to the saving of

battery energy in the aforementioned argument is meant to describe the benefits of this particular claimed feature.

In conjunction with this feature, the Examiner states that in the rejection, it has been explained how Byrne meets the claimed invention. For purposes of clarification, the Examiner provides that the triggering events are a predetermined criterion, for example, when the user activates the terminal, hence the CCT (Step 301, Fig. 3). The Examiner states that on the occurrence of these triggering events, the search function (monitoring) is activated (Step 304, Fig. 3). Appellants respectfully disagree that a user activating a terminal is a “*programmed* triggering event.”

In the Byrne device, the available radio systems are constantly monitored, or at least intermittently monitored (see col. 5, lines 8 and 9). In this context, and according to the teaching of Byrne, the cited predetermined criterion by the Examiner is used to select among the radio systems already detected (see col. 3, lines 42-51; col. 4, lines 46-57). Byrne does not disclose initiating a search based on a programmed triggering event.

Regarding claim 3, the Examiner states that Byrne discloses a terminal, wherein the triggering event is a predefined sequence of keystrokes associated with a command of the terminal other than the command which switches the communication means to operate with a preferred local network (citing col. 3, lines 47-53; col. 4, lines 33-38, and alleging that the user is able to input into the terminal a decided predetermined criteria corresponding to triggering events).

Again, for the same reasons as above, the predetermined criterion that the Examiner cites are used to select among the radio systems already detected. This is not suggestive of initiating a

search based on a triggering event. Therefore, Appellants respectfully assert that claim 3 is allowable for this feature as well. Likewise for the triggering event recited in dependent claim 8.

B. Claims 4, 9, and 10 are Not Obvious In View of Byrne, Van Der Salm, and Dalsgaard.

Claim 4, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne in view of Van Der Salm (U.S. Patent No. 6,343,220) and further in view of Dalsgaard et al.

First, claims 4, 9, and 10 are allowable at least based on their dependency of claim 1. Further, each of these claims recite the triggering event feature which is not included in Byrne for the reasons discussed above. Also, as argued in the May 21, 2004 Response, both Dalsgaard et al. and Van Der Salm are silent with respect to a triggering event. As such, the combination of these references would not have been obvious.

In the Byrne device, the available radio systems are constantly monitored, or at least intermittently monitored (see col. 5, lines 8 and 9). In this context, and according to the teaching of Byrne, the predetermined criterion cited by the Examiner is used to select among the radio systems already detected (see col. 3, lines 42-51; col. 4, lines 46-57). Byrne does not disclose initiating a search based on a programmed triggering event.


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VIII. CONCLUSION

Applicant previously paid the fee of \$500.00 for the Appeal Brief on April 28, 2006.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS 1-10 ON APPEAL:

1. A multi-standard mobile telecommunications terminal adapted to operate with base stations of a public cellular network and at least one fixed part of at least one preferred cordless telephone local network, the terminal including communication means for communicating with each of said networks and switching means including means for searching for a fixed part of a local network and commanding the communication means to operate with one or the other of said networks according to the result of the network search conducted by the search means, the terminal including means for programming and processing events triggering a search for the fixed part or parts of the local networks in which the terminal can operate, said programming and processing means activating the search means on the occurrence of programmed triggering events.

2. A terminal according to claim 1, wherein the user can program the programming and processing means to define triggering events individually for each local network.

3. A terminal according to claim 1, wherein the triggering event is a predefined sequence of keystrokes associated with a command of the terminal other than the command which switches the communication means to operate with a preferred local network.

4. A terminal according to claim 1, including means for evaluating the traffic load of a local network as a function of time and wherein the triggering event is the traffic load of the local network falling below a predefined threshold, in particular a threshold defined by the user.

5. A terminal according to claim 1, including means for storing the frequency of use of each network by the terminal and wherein the switching means are activated by the programming and processing means as a function of the frequency of use of said networks by the user.

6. A terminal according to claim 5, including means for calculating the probability of use of each network by the terminal and wherein the triggering event for a local network is the crossing of a probability threshold for use of that network.

7. A terminal according to claim 6, including means enabling the user to define said threshold value.

8. A terminal according to claim 1, including means for locating fixed parts of the local networks from information supplied by the public cellular network and wherein the triggering event is the fact that the terminal is in a cell of the public network overlapping the coverage area of a cordless telephone local network.

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9. A terminal according to claim 8, including means for storing the identity of the cell of the public network in which the local network is located and wherein the triggering event is the reception of a signal representing the identity of the base station corresponding to the stored cell identity.

10. A terminal according to claim 1, wherein the switching means switch to a searched for local network only if said search means detect a signal transmitted by a fixed part of the searched for local network during a predefined time period after the occurrence of an associated triggering event.

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EVIDENCE APPENDIX:

None.

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RELATED PROCEEDINGS APPENDIX

None.